

From: ["Saric, James" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=1563015DBEEE49A1AEA479C55929F0D1-JSARIC>](mailto:JSARIC@EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1563015DBEEE49A1AEA479C55929F0D1-JSARIC)  
To: [Bucholtz](mailto:BUCHOLTZP@michigan.gov)  
"Paul \ (DEQ\)" <BUCHOLTZP@michigan.gov>  
CC:  
Date: 11/7/2013 5:09:55 PM  
Subject: RE: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

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No problem. I get it. I just don't know what the PCB cleanup would look like that would ensure that the BUIs disappear. Plus Superfund doesn't get to decide if the BUIs disappear. Because of that I don't think that Superfund could say that the cleanup would make the BUIs disappear. Plus, I believe many of the BUIs are for the entire AOC or River, so I would think that any action in Area 1 would not be able to make the BUIs go away since there is another 60 miles of the Kalamazoo that needs to be addressed.

Jim

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**From:** Bucholtz, Paul (DEQ) [<mailto:BUCHOLTZP@michigan.gov>]  
**Sent:** Thursday, November 07, 2013 5:05 PM  
**To:** Saric, James  
**Subject:** RE: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

The issue in general came up during our discussion with Water Resources Division about Part 31. So it is not strictly tied to the ARAR issue, but is regarding the dependence of the AOC on the selected superfund remedy. I think the main point goes to your last statement, in that, what is the link between the AOC and CERCLA. The AOC people indicate Superfund needs to address the BUIs that are related to the contamination. Either that, or Superfund gets to ignore the AOC issue. I think some link exists, in that the AOC issues need to be acknowledged and not ignored. I'm still working on it on my end. Wanted to let you know sooner rather than later.

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**From:** Saric, James [<mailto:saric.james@epa.gov>]  
**Sent:** Thursday, November 07, 2013 5:55 PM  
**To:** Bucholtz, Paul (DEQ)  
**Subject:** RE: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

Paul,

Sure you can add those comments for clarification regarding these issues. I just don't see how the BUIs are ARARs, maybe TBCs. I could be missing something, but although the AOC BUIs say that the impairments will go away when the Superfund PCB cleanup is finished, I don't believe it's a Superfund requirement to cleanup to address BUIs.

Jim

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**From:** Bucholtz, Paul (DEQ) [<mailto:BUCHOLTZP@michigan.gov>]  
**Sent:** Thursday, November 07, 2013 4:49 PM  
**To:** Saric, James  
**Subject:** FW: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

Jim, in discussing the ARARs issue with Polly, the issue of AOC BUIs came up. The FS is silent on the whole issue. I think it is necessary that the FS discuss how the various remedies will or won't address removal of the various BUIs listed for the Kalamazoo River AOC. Just wanted to give you a heads up. I will work on getting those added to our comments.

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**From:** Wood, Nicole [<mailto:wood.nicole@epa.gov>]  
**Sent:** Thursday, October 31, 2013 3:30 PM  
**To:** Synk, Polly (AG)  
**Cc:** Saric, James; Bucholtz, Paul (DEQ)  
**Subject:** FW: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

Hi, Polly.

Do you have time to talk next week, just lawyers, on the ARARs. I am wondering whether or not you plan on identifying the State antidegradation requirement as an ARAR for the River, I believe it is relevant and appropriate here being that PCBs will remain in the floodplains. I had sent you the guidance that supports that analysis in my previous email from 10/22/13.

Also, I think that the language I excerpted below from the attached document is incorrect: guidance documents can never be ARARs because they are not requirements, the PCB criterion of  $3.9 \times 10^{-6}$  ug/L is not enforceable under federal law, so I think it needs to be only a TBC, unless of course the State has rules or regulations that require that number to be met.

Section 2.3.1.3, page 2 (B4, Water Specific ARARs: Great Lakes Water Quality Guidance (PCB criterion of  $3.9 \times 10^{-6}$  ug/L) and MDCH fish consumption advisory levels (B trigger levels are identified as TBCs. The PCB criterion of  $3.9 \times 10^{-6}$  ug/L should be considered relevant and appropriate.

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**From:** Bucholtz, Paul (DEQ) [<mailto:BUCHOLTZP@michigan.gov>]  
**Sent:** Thursday, October 31, 2013 1:48 PM  
**To:** Fortenberry, Chase  
**Cc:** Draper, Cynthia E; Garret Bondy; Griffith, Garry T.; [Jeff.Keiser@CH2M.com](mailto:Jeff.Keiser@CH2M.com); Todd King; Wood, Nicole; Synk, Polly (AG); Devantier, Daria W. (DEQ); Saric, James  
**Subject:** RE: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

Chase,

Enclosed are MDEQs preliminary draft comments on the revised Area 1 FS. We will continue to refine the comments and I will let you know if any remaining issues come to light. As Jim mentioned, we are continuing to work on ARAR related issues with EPA.

Let me know if you need to discuss any of the comments in more detail. We will continue to be available as we work through the issues and develop a final document.

Paul

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**From:** Saric, James [<mailto:saric.james@epa.gov>]

**Sent:** Wednesday, October 30, 2013 3:13 PM

**To:** Fortenberry, Chase

**Cc:** Draper, Cynthia E; Garret Bondy; Griffith, Garry T.; Bucholtz, Paul (DEQ); [Jeff.Keiser@CH2M.com](mailto:Jeff.Keiser@CH2M.com); Todd King; Wood, Nicole

**Subject:** EPA Preliminary Draft Comments on the OU 5, Area 1 FS

Chase,

Enclosed are EPA \$B!G (Bs preliminary draft comments on the Operable Unit 5, Area 1 revised Feasibility Study document. EPA may have additional comments, as we are working with MDEQ on a few remaining ARAR issues. We will get back to you with any further comments regarding those in the next couple weeks. Also, MDEQ will be sending you their draft comments on the Area 1 FS as well in the next few days.

Please give me a call to discuss how to address these before our 11/21 meeting. Also, we are available to discuss any of these comments before the meeting. We look forward to working with you to resolve these issues.

Thanks

Jim Saric

U.S. EPA Region 5

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